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October 10, 2014

### Via ECF Filing

Hon. Joanna Seybert  
United States District Judge  
United States District Court  
100 Federal Plaza  
Central Islip, NY 11722

Re: *In re Cablevision Consumer Litig.* (No. 10-CV-4992 (JS)(AKT))

Dear Judge Seybert:

We are counsel for defendants Cablevision Systems Corporation and CSC Holdings, LLC (collectively, “Cablevision”) in the above-captioned matter. We write concerning the schedule for summary judgment motions and the joint pre-trial order in this case. We address this letter to Your Honor (as opposed to Magistrate Judge Tomlinson) because we understand that Plaintiffs are separately writing to the Court about these matters, and because the schedule relates to the timing of class notices in the case.

Pursuant to Magistrate Judge Tomlinson’s Civil Conference Minute Order dated May 6, 2014 [Dkt. No. 111], the deadline for letters seeking pre-motion conferences for summary judgment motions was set for October 24, 2014, and the deadline for the submission of a joint pre-trial order was set for November 4, 2014. In the Court’s March 31, 2014 Memorandum Decision and Order on Plaintiffs’ prior motion for partial summary judgment, however, the Court denied Plaintiffs’ motion without prejudice “with leave to re-file after the class has received notice consistent with Rule 23 and has been provided with an opportunity to opt out of the suit.” [Dkt. No. 108 (Memorandum Decision and Order) at 43].

Significantly, the class notice has not yet been made, and the opt-out period is not likely to expire until sometime in early 2015.<sup>1</sup> Given that timing, there appears to be a conflict between the deadline for seeking to file summary judgment motions, and the Court’s prior ruling that such motions should not be filed until after the opt-out period has expired.

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<sup>1</sup> The Court issued its order approving the method for providing class notice on October 7, 2014 [Dkt. No. 146], and it will take at least 6 weeks for Cablevision to send out the notifications that it is required to do under the Order.

KIRKLAND & ELLIS LLP

Hon. Joanna Seybert  
October 10, 2014  
Page 2

Cablevision believes that, in light of the foregoing, the October 24, 2014 deadline for summary judgment letters (as well as any deadlines keyed to it) should be adjourned until after the expiration of the opt-out period, and that per the Court's March 31, 2014 Memorandum Decision and Order, Plaintiffs may not re-file their prior summary judgment motion (or any other summary judgment motion) until after the expiration of the opt-out period.

Cablevision also believes that, in light of the foregoing, the November 4, 2014 deadline for submission of a joint pre-trial order (and any deadlines keyed to it) should be adjourned as well, and should be sequenced after the motions for summary judgment. In addition, we note that the parties have each filed motions to strike the other party's experts, and resolution of those motions could impact summary judgment motions, which is a further reason why the dates for summary judgment motions and for the pre-trial order should both be adjourned.

Cablevision has conferred with Plaintiffs and has been unable to come to an agreement concerning the precise timing and sequencing for summary judgment motions and the submission of a joint pre-trial order, but understands that Plaintiffs generally agree that the dates for those matters should be adjourned (in fact, it was Plaintiffs who originally came to Cablevision with this proposition seeking relief from the existing schedule deadlines). Cablevision understands that Plaintiffs are writing to the Court separately about these matters and will set forth their position in that submission.

Accordingly, Cablevision respectfully submits that the October 24, 2014 and November 4, 2014 deadlines discussed above should be adjourned, and that a new schedule should be set that sequences those deadlines after the expiration of the opt-out period. We are available to discuss these issues in person or telephonically.

Respectfully,

/s/ Andrew M. Genser

Andrew M. Genser

*Attorney for Defendants Cablevision  
Systems Corporation and CSC  
Holdings, LLC*

cc: Hon. A. Kathleen Tomlinson (courtesy copy)  
Plaintiffs' Counsel (via ECF and by email)